

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3241 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MAGANBHAI BABABHAI SOLANKI

Versus

DIRECTOR,

Appearance:

MR ANANT S DAVE for Petitioner
MS MANISHA LAVKUMAR for M/S PATEL ADVOCATES for
Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/07/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Prayer has been made by the petitioner for
issuance of a writ of mandamus or any other appropriate

writ, order or direction, quashing and setting aside the action on the part of the respondents in terminating the services of the petitioner. Further prayer has been made for direction to the respondents to reinstate the petitioner in services. Prayer has also been made for grant of interim relief.

3. The matter has been admitted but interim relief has not been granted.

4. Learned counsel for the petitioner has failed to show any legal or fundamental right of the petitioner to continue as a daily wager. His services were engaged as a daily wager as and when the work was available. It is also the case of the petitioner that after termination of his services one Mahadev Lallu Rabari has been appointed in his place. That person has not been impleaded as a party to this special civil application. I do not find any illegality in the action of the respondents not to give the petitioner work on daily wages. The petitioner's services were not required after 21-5-1988 and rightly he has not been given any work. In fact it is not the case of termination of the services as the services of a daily wager come to an end on the day itself. Be that as it may. The petitioner has failed to make out any case that he worked for 240 days in calendar years 1987 and 1988. From reply to the special civil application, I find that in the calendar year 1988, the petitioner was engaged on daily wages for 67 days and in the calendar year 1987, his engagement as daily wager was only for 113 days. So if we go by these facts, otherwise also, the petitioner is not entitled for any relief whatsoever. The petitioner has not filed any rejoinder to reply to the special civil application and the facts stated therein stand uncontroverted.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

zgs/-